

REMARKS

In the Official Action of June 22, 2006, claims 1-7, 16 and 27-45 were rejected under 35 U.S.C. §103(a) as obvious over Pieniak et al (U.S. Patent No. 6,123,694) further in view of Goldman et al. (U.S. Patent No. 5,562,646). Applicant respectfully traverses this rejection and requests reconsideration.

The Examiner has stated that Goldman et al. discloses an absorbent article having a laminate core comprising four stacked layers. It is the Examiner's position that one of the inner layers of the reference is a central fibrous layer containing super absorbent polymer material (SAP) and continuous crimped filament tow fibers, citing col. 28, lines 35-54 of the reference. Applicant respectfully disagrees with this interpretation of the reference.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2142.

With respect to claim 1, according to the Examiner it would have been obvious to modify the core of Pieniak by providing the absorbent laminate core of Goldman et al.. The Office Action further states, on page 6 thereof, that applicant acknowledges that Goldman et al. discloses the use of continuous tow fibers. Applicant respectfully disagrees with this statement. Applicant has made no such acknowledgement, and maintains that Goldman et al. does not disclose the use of continuous tow fibers. The term "continuous" is not used in the cited passage of the reference (col. 28, lines 35-54).

Goldman et al. discloses that the fibrous materials may be natural fibers, or synthetic fibers, and that the fiber length can vary based upon the particular melt point and other properties desired for the fibers. The specific fiber length discloses in the reference is from about 0.3 cm to about 7.5 cm. (see col. 28). Thus, the maximum possible fiber length discloses in the reference is 7.5 cm. This is far less than the length of the absorbent core required by the present claims as now amended in view of the fact that a baby or an adult diaper is far longer than 7.5 cm (i.e.

about 3 inches). Antecedent support for the amendment is found on pages 31 and 32 of the specification, and throughout the specification.

Accordingly, Goldman et al. cannot be said to teach or suggest the use of continuous tow fibers extending the length of the absorbent core, and therefore fails to teach or suggest a significant component of the present invention. In fact, Goldman essentially teaches the use of fibers that must be discontinuous in absorbent cores of standard baby diapers and adult diapers.

Moreover, applicant submits that Goldman et al. fails to supply the deficiencies of Pieniak as alleged in the Final Office Action. Therefore, the applied references do not, either singly or in combination, teach, suggest or disclose all the claimed limitations. Accordingly, a prima facie case of obviousness is not established.

In view of the aforementioned facts and reasons, the present application is now believed to overcome the remaining rejections in this application, and to be in proper condition for allowance. Reconsideration and withdrawal of the rejections, and allowance of the remaining claims in this application, is respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below to discuss any matter pertaining to the status of this application.

Date: 9/21/06

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